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10 Attorney for:
11 DUSTIN MCCASKILL
12

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 vs.
18 DUSTIN MCCASKILL ,
19 Defendant.

20 **Case No.: 2:15-cr-00030-GMN-CWH**

21 **STIPULATION TO EXTEND**
MOTION DEADLINES
(Fifth Request)

22 IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United
23 States Attorney, and Phillip N. Smith, Jr., Assistant United States Attorney, counsel for the United
24 States of America, and Rene L. Valladares, Federal Public Defender, and BRENDA WEKSLER,
Assistant Federal Public Defender, counsel for DUSTIN MCCASKILL, that the parties herein shall
have to and including May 28, 2015, by the hour of 4:00 p.m., within which to file any and all
responsive pleadings.

25 IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall
26 have to and including June 4, 2015, by the hour of 4:00 p.m., within which to file any and all replies
27 to dispositive motions.

28 This Stipulation is entered into for the following reasons:

1. The client is in custody and does not oppose the continuance.
2. The parties have commenced negotiations which might obviate the need for the
Government to respond.

1 3. The additional time requested herein is not sought for purposes of delay, but merely
2 to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit
3 appropriate pretrial motions.

4 4. Denial of this request for continuance would deny counsel for the defendant sufficient
5 time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking
6 into account the exercise of due diligence.

7 5. Additionally, denial of this request for continuance could result in a miscarriage of
8 justice. The additional time requested by this Stipulation is excludable in computing the time within
9 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
10 Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors
11 under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

12 6. This is the fifth stipulation to continue filed herein.

13 DATED: May 13, 2015

14
15 RENE L. VALLADARES
16 Federal Public Defender

DANIEL G. BOGDEN
United States Attorney

17 By: /s/ Brenda Weksler
18 BRENTA WEKSLER,
Assistant Federal Public Defender

By: /s/ Phillip N. Smith, Jr.
PHILLIP N. SMITH, JR.,
Assistant United States Attorney

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case No.: 15-cr-00030-GMN-CWH

Plaintiff,

FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER

vs.

DUSTIN MCCASKILL,

Defendant.

FINDINGS OF FACT

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court
11 finds that:

12 1. The client is in custody and does not oppose the continuance.

13 2. The parties have commenced negotiations which might obviate the need for the
14 Government to respond.

15 3. The additional time requested herein is not sought for purposes of delay, but merely
16 to allow counsel for the defendant sufficient time to complete necessary research, prepare and submit
17 appropriate pretrial motions.

18 4. Denial of this request for continuance would deny counsel for the defendant sufficient
19 time to effectively and thoroughly prepare and submit pretrial motions and notices of defense, taking
20 into account the exercise of due diligence.

21 5. Additionally, denial of this request for continuance could result in a miscarriage of
22 justice. The additional time requested by this Stipulation is excludable in computing the time within
23 which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States
24 Code, § 3161(h)(1)(D) and Title 18, United States Code, § 3161(h)(7)(A), considering the factors
25 under Title 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

26 6. This is the fifth stipulation to continue filed herein.

27 For all of the above-stated reasons, the ends of justice would best be served by a continuance
28 of the motion dates.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, §§ 3161(h)(1)(A), 3161(h)(7) and Title 18 United States Code, § 3161 (h)(7)(A), when considering the facts under Title 18, United States Code, §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

ORDER

IT IS THEREFORE ORDERED, that the parties herein shall have to and including May 28, 2015, by the hour of 4:00 p.m., within which to file any and all responsive pleadings.

IT IS FURTHER STIPULATED AND AGREED, by and between the parties, that they shall have to and including June 4, 2015, by the hour of 4:00 p.m., within which to file any and all replies to dispositive motions.

DATED this 14th day of May, 2015.

UNITED STATES MAGISTRATE JUDGE